

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

2311 RACING LLC d/b/a 23XI RACING, and
FRONT ROW MOTORSPORTS, INC.,

Plaintiffs,

v.

NATIONAL ASSOCIATION FOR STOCK
CAR AUTO RACING, LLC, NASCAR
HOLDINGS, LLC, NASCAR EVENT
MANAGEMENT, LLC, and JAMES FRANCE,

Defendants.

No. 3:24-cv-886-KDB-SCR

NASCAR EVENT MANAGEMENT, LLC,

Counter-Plaintiff,

v.

2311 RACING LLC d/b/a 23XI RACING,
FRONT ROW MOTORSPORTS, INC., and
CURTIS POLK,

Counter-Defendants.

**DECLARATION OF ASHLEY M. BAUER IN SUPPORT OF
NASCAR'S MOTION FOR SUMMARY JUDGMENT**

I, Ashley M. Bauer, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I hold membership in good standing with the bar of the State of California and have been admitted *pro hac vice* to practice before this Court. I am a partner at Latham & Watkins LLP, counsel for Defendants and Counterclaimant in this matter. The facts stated in this Declaration are of my own personal knowledge and I could and would testify to them in a court of law.

2. I make this declaration in support of NASCAR's Motion for Summary Judgment.
3. Attached as Exhibit **1** is a true and correct copy of the Declaration of Rick Hendrick, dated October 2, 2025.
4. Attached as Exhibit **2** is a true and correct copy of the Declaration of Brad Keselowski, dated October 2, 2025.
5. Attached as Exhibit **3** is a true and correct copy of the Declaration of Carl Long, dated September 26, 2025.
6. Attached as Exhibit **4** is a true and correct copy of the Declaration of B.J. McLeod, Jr. dated September 29, 2025.
7. Attached as Exhibit **5** is a true and correct copy of the Declaration of Roger Penske, dated October 1, 2025.
8. Attached as Exhibit **6** is a true and correct copy of the Declaration of Gordon Smith, dated September 29, 2025.
9. Attached as Exhibit **7** is a true and correct copy of the Declaration of Rick Ware, dated October 1, 2025.
10. Attached as Exhibit **8** is a true and correct copy of the Declaration of Cal Wells, dated October 2, 2025.
11. Attached as Exhibit **9** is a true and correct copy of the Declaration of Jon Wood, dated October 2, 2025.
12. Attached as Exhibit **10** is a true and correct copy of excerpts from the September 30, 2025 deposition transcript of Daniel A. Rascher.
13. Attached as Exhibit **11** is a true and correct copy of excerpts from the September 25, 2025 deposition transcript of Edward A. Snyder.

14. Attached as Exhibit **12** is a true and correct copy of a produced version of FRM_0000130, dated May 3, 2021, produced by Front Row Motorsports, Inc. (“FRM”).

15. Attached as Exhibit **13** is a true and correct copy of Front Row Motorsports, Inc.’s Responses and Objections to NASCAR’s Second Set of Interrogatories, dated June 30, 2025.

16. Attached as Exhibit **14** is a true and correct copy of a produced version of 23XI_0251833, dated August 28, 2020, produced by 2311 Racing LLC d/b/a 23XI Racing (“23XI”).

17. Attached as Exhibit **15** is a true and correct copy of a produced version of 23XI_0222072, dated August 30, 2020, produced by 23XI.

18. Attached as Exhibit **16** is a true and correct copy of a produced version of 23XI_0076215, dated August 30, 2020, produced by 23XI.

19. Attached as Exhibit **17** is a true and correct copy of excerpts from the June 12, 2025 deposition transcript of Curtis Polk.

20. Attached as Exhibit **18** is a true and correct copy of a produced version of 23XI_0300683, dated September 15, 2020, produced by 23XI.

21. Attached as Exhibit **19** is a true and correct copy of excerpts from the May 14, 2025 deposition transcript of Michael Jordan.

22. Attached as Exhibit **20** is a true and correct copy of a produced version of 23XI_0304433, dated September 12, 2020, produced by 23XI.

23. Attached as Exhibit **21** is a true and correct copy of excerpts from the June 5, 2025 deposition transcript of John Probst.

24. Attached as Exhibit **22** is a true and correct copy of a produced version of NASCAR-00343087, dated October 26, 2015, produced by NASCAR.

25. Attached as Exhibit **23** is a true and correct copy of a produced version of NASCAR-003462753, dated October 26, 2015, produced by NASCAR.

26. Attached as Exhibit **24** is a true and correct copy of a produced version of NASCAR-00006583, dated July 23, 2020, produced by NASCAR.

27. Attached as Exhibit **25** is a true and correct copy of a produced version of FRM_0091183, dated January 28, 2022, produced by FRM.

28. Attached as Exhibit **26** is a true and correct copy of a produced version of NASCAR-00531939, dated February 6, 2024, produced by NASCAR.

29. Attached as Exhibit **27** is a true and correct copy of a produced version of 23XI_0027149, dated June 13, 2024, produced by 23XI.

30. Attached as Exhibit **28** is a true and correct copy of the Declaration of Rick Ware, dated May 20, 2025, filed in *RPAC Racing, LLC v. Rick Ware Racing, LLC*, No. 25CV016837-590 (N.C. Super. Ct. 2025).

31. Attached as Exhibit **29** is a true and correct copy of the Declaration of Richard Childress, dated October 3, 2025.

32. Attached as Exhibit **30** is a true and correct copy of the Declaration of Joe Gibbs, dated October 3, 2025.

33. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 3, 2025.

Respectfully,



Ashley Bauer*

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*Admitted *pro hac vice*